

REMARKS

Entry of the above amendment is believed to be proper, and such action is respectfully requested.

The amendment presented herein to the specification is supported by the benefit claims and specific references made in the declaration and application transmittal papers submitted to the U.S. Patent and Trademark Office within the time period set forth in 37 CFR § 1.78(a)(2)(ii). The benefit claims made in the papers submitted to the Office were recognized by the Office as evidenced by the inclusion of this information in the first filing receipt issued by the Office in connection with the present application. A copy of the filing receipt issued by the Office is attached hereto. Accordingly, a petition under 37 CFR 1.78(a) is not believed to be required. See MPEP § 201.11(III)(E).

As further support for the amendment, the Applicant attaches a copy of the first filing receipt issued by the Office in connection with the parent application, Serial No. 09/709,234, which confirms that the benefit claim and specific references made in the declaration and application transmittal papers submitted in the parent application within the time period set forth in 37 CFR 1.78(a)(5) were also known by the Office.

In view of the foregoing, entry of the amendment is believed to be proper, and such action is respectfully requested. The record shows that the benefit claims were made in the present application within the time period set forth in § 1.78(a)(2)(ii), and that there was no delay in making a claim. The Applicant therefore does not believe that a petition under 37 CFR 1.78(a) is necessary. However, should the Office believe that such a petition under 37 CFR 1.78(a) is necessary for entry of the amendment, the Applicant respectfully requests that the Office consider this paper to be the Applicant's petition under 37 CFR 1.78(a). Furthermore and should the Office consider that there was delay between the date the claim was due under 1.78(a)(2)(ii) and the date the claim was filed, the Applicant makes the statement pursuant to CFR 1.78(a)(3)(iii) that such delay was unintentional.

The Applicant's undersigned attorney may be reached by phone at (212) 801-6729. All correspondence should continue to be directed to the below-listed address.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referred when charging any payments or credits for this case.

Respectfully submitted,



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